App. F. 1X-4

1925-6

File No. 51-2

Previous References (pris)

no 51 / 2-1-5-8-9-2)

Serial Nos. 10-1

Preserve B/25/2

Later References

Pris 9-27 (1-4)

General and Revenue Secretariat.

Serial Nos.) ows

Part B for July 1927

SUBJECT

additional rule re the grant of Conditional release to released prisoners

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To D.G of pris (Compl 46)

Pr. f 443-4 & 13/7/27)

Approves to add these draft rules ---

4082.

WD 01229—GPB—37,500—1-9-26
App. F. III—2]

Pris File No. 51 of 192 5

From The I. G. of Prisons.
No 1795/- & 28. 11. 1926
: States that the G.O. No 6401-12/-
Pris 51-25-9 & 14.7.1926 granting
Subsistance allowance to prisoners on
release from gails, equally applies to
prisoners released from the lock-ups
in the State, and requests sanction
for issuing an addenda slip to the
lock-up manual also a/se draft
enclosed.

1) Subd with a draft sanctioning for consideration

H Roy.
7.12.26

2) It is not clear from the G.o. whether it applies to prisoners in lockups. Please furnish us Jail and lock up manual.

MSK
8/12/26

Rus
8/12

3) The G.o. dated 14th July 1926 (Hdq B) Subsistence allowance was sanctioned to prisoners released from jails to enable to sustain themselves during the journey to their homes. The I.G. of prisons at the instance of the Hon'ble Minister wants this rule to apply

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to lockups also. The J.G. of prisons seems to take for granted that they do so apply and asks for sanction to introduce the necessary addenda to the lockup manual From the language of the G.O. it is not clear that the letter of applies only to the prisons of Bangalore and Mysore jails only or to all jails and lockup This point is for orders.

Yes
18/12

P member)

4) Shd this apply to all locally What is maximum period of imprisonment & punishment in Madras for Simple lockup?

Yes
14/12

5) Please find up & rules.

Yes
14/12

6) Rules referred to are not available here.

(b.a.) Draft letter to P. G. P. to forward information necessary & put up for approval & orders

Yes
24/12/26

7) Surely this Madras Jail Manual must be available Please find it up

23.12.26

WD 01229—GPB—37,500—1-9-26-
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The Madras Subsidiary jail manual and the Mysore Lock-up manual are sent up.

The maximum period of imprisonment that the prisoners have to undergo in the Madras Subsidiary jails and the Mysore Lock-ups is one month.

In the Madras Presidency, prisoners released from the subsidiary jails are also given subsistance + travelling allowances if they are without funds, when the journey they have to make exceeds 10 miles.

A.S.M. 8.1.27

1. We had annas rate of subsistence allowance for central jails and sub jails in Madras? Please furnish

Sd 12/1

Subd:—

1. Madras jail manual is sent up (Vide flag A.)

12

A.S.M. 18.1.27

Ref. Memo's orders at para 4 supra.

The maximum period of imprisonment that is to be executed in the lockups is one month.

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and Revenue
retariat

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allowance in the Subsidiary Jails in the Madras Presidency (corresponding to our lockups), is Rs. 0-8-0 per mile of the journey the prisoner is to make. The allowance is to be given only to those whose village is over ten miles from the Subsidiary Jail

'ag N.

16) There does not seem to be any necessity for the grant of subsistence allowance in the Cal. lockups. If however such allowance is to be sanctioned the rate mentioned above may perhaps be adopted.

Lee
24/1

Gen Sec)

17) There is a lock up in every Taluk Station ordinarily the men confined there are merely detained. There seem to be no need to give them any subsistence allowance as the places are not likely to be further off than a days journey and their people will generally meet them and see to their needs. If anyone it may be to the effect that a prisoner in such case will ask for it when leaving to be given a days ration.

Lee
26/1

Asst Member) 18

Lee
27/1

WD 01229—GPB—37,500—1-9-26
App. F. III—2]

al and Revenue Secretariat | Jails File No. 57 of 1925.

Serial No.

allowance in the Subsidiary Jails in the Madras presidency (corresponding to our lockups), is roadbatta at one pice per every ten miles of the journey the prisoner is to make. The allowance is to be given only to those whose village is over ten miles from the Subsidiary Jail

Flag N.

16) There does not seem to be any necessity for the grant of Subsistence allowance in the Cal. lockups. If however such allowance is to be sanctioned the scale mentioned above may perhaps be adopted

Sec
24/1

Genl Sec)

17) There is a lock up in every Taluk Station & ordinarily the men confined there are men of Taluk. There seem to be no need to give them any subsistence allowance as the places are not likely to be further off than a days journey and their people will general meet them and see to their needs. If anyone it may be to the effect that a prisoner in such case asks for it when leaving be given a days batta.

26/1

Asst Member) 18) I agree

Sec 27/1

1891
26/1

WD 01229—GPB—37,500—1-9-20

and Revenue cretariat | Jails File No. 57 of 192 5.

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allowance in the Subsidiary Jails in the Madras presidency (corresponding to our lockups), is Rs. 0-8-0 per prisoner for every ten miles of the journey for which he is to be taken. The allowance is to be given only to those Village Police who live ten miles from the Subsidiary Jail

Pag No.

16) There does not seem to be any necessity for the grant of subsistence allowance in the case of lockups. If however such allowance is to be sanctioned the rate need not be above Rs. 0-4-0 per day.

Rec 24/1

(Jail Sec)

17) There is a lock up in every Taluk station ordinarily the men confined there are not detained. There seems to be no need to give them any subsistence allowance as the places are not likely to be further off than a days journey and their people will generally meet them and see to their needs. If any it may be taken that a prisoner in such case asks for it when leaving be given a days ration.

Rec 26/1

First Member 18

Jail Sec 27/1

89/ 26/1

Serial No.

Draft-port rule for approval.

Approved 4.2.29

11) Issued 6/2

11 To The S. G. of Prisons.
No 8320/. & 8.2.29.
With reference to Sl 10, states that Govt see no need to give any allowance to prisoners released from lock-ups for reasons stated given, and that if prisoners asks for it, a day's ration may be given and that nothing more is necessary; and requests the S. G. of Prisons to forward for consideration a revised draft-rule on the lines suggested above.

12 From The S. G. of Prisons.
No 346/58-26, & 23.2.1929
With reference to Sl 11 supra, submits for approval a revised draft-rule to be issued as addenda to rule 157 of the Prisons Lock-up manual for consideration and orders.

Approved 25.2.29

Ref. Paras 17 and 18 of
The draft rule now sent
by the D.G. of Prisons may be
approved. The Legy Law
department may be consulted

WD 01229—GPB—37,500—1-9-26

Serial No.

H Y.

For favour of opinion if the draft rule is alright. RB 26/2

Law Secy with Compts. 26/2 26/2

~~Has Law Secy any remarks to offer or any objections.~~

I have considered with care the powers of Govt to frame rules under Sections 14, 31, 32 of Act XXVI of 1870 and am amenable to say whether the Act empowers to frame a rule whereby the Govt can sanction the grant of subsistence allowance to prisoners after they are discharged.

Criminal prisoner is defined to mean any prisoner charged with or convicted of crime.

~~This Act is intended for the purpose of~~ to provide for the

~~purpose of~~ to fix the duties of

The object of the Act is to maintain prisons, to fix the duties of officers who have control over the prisoners to maintain discipline among prisoners to supply food, bedding etc to them, to employment of prisoners, & to afford medical relief to them.

The Act does not impose any duty to control any person who is discharged from prison. A person who is discharged from prison is not a criminal prisoner within the

Serial No.

∴ Hence Sections 14, 31, 39 & 54 do not empower Govt to make a rule enabling it to grant any subsisting allowance to any person who has been discharged from Jail or from Lock-up.

The proposed G.O of 14. July 1926 cannot be considered as rules properly framed in exercise of the powers conferred under Act XXVI of 1870.

Govt Secy with Compts

8/7
7-3
8/7
7-3
ms
8/7

Submitted:—

30) The Rules refd to in para 29 supra do not come under any of sections refd to by the L.S. Secretary viz. 14, 31, 39, 54. They are framed under Section 29 of the Prisons Act 1870 directing the mode of release of prisoners, and granting them certain facilities for reaching their homes without much inconvenience to themselves or to the Publ

31) The original rule 457 of the Mysore Jail Manual allowed to the released prisoners only travelling expenses on their way home. The G.O. of 18

6890

General and Revenue Secretariat. | Pris File No. 51 of 192 5

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July 1926 further allowed ~~them~~ sub-
sistance allowance to the prisoners
released from the jails in the State.
32) Similar rules exist in the
Madras Presidency (Vide Madras
jail manual rules 503 & 505.
33) In the Madras Presidency, sub-
sistance allowance is given to convicts
released from jail after an imprison-
ment of 12 months or upwards.
34) Whether similar facilities may be
shown to the prisoners released from
lock-ups in the State is a point
for consideration and orders.

Addl
13.6.25

(35) In the Madras Presidency
~~travelling~~ a road batta
at the rate of one anna for
every ten miles of the journey is
given to a prisoner who is released
from the Subsidiary jails if he is
to travel a distance of over ten miles
to reach his home. No ~~this~~ allowance
is given to him (Vide Rule 128 of
the Madras Subsidiary jail manual
Subd for orders with paras 26–29
above.

Has Subsidiary correspond to Lock-ups.?

Please have up to the Madras prisons manual regulations and jail manual

15/4

File No. 57 of 192 5

Serial No.

36) Submitted for perusal and orders with reference to Law Secy's Confidential paras 25 to 29 Supra.

Secy — 28/4

Law Secy)

37) I have had the advantage of perusing the Rules 503 to 505 made by Govt of Madras, for the inspection Superintendence &c of Jails.

38) Sec 26 (3) aquoted at the beginning of Ch XXXII the Statutory provision & these rules are published contained in this chapter.

39) Having regard to the language of Sec 26 one will not be warranted in assuming that Govt were vested with power to frame all the rules 496 to 575 in exercise of any rule-making power.

40) In fact, all these rules cannot be considered as having been passed within the exercise of powers vested wholly under the provisions of the Act

68 GV

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41) I presume all the Rules published & printed in Jail mail seem to have been passed by Govt in their executive capacity & not as the authority to which the Legislature has delegated the power to make rules having the force of law.

Then seems to be no objection to Govt executive orders giving effect to the intention of Govt to give relief to discharged prisoners,

42) Except It may be observed that orders will not have the force of law just as the Rules properly framed in exercise of powers vested in Govt by enactment in force for the time being.

Govt Secy
with Compts.

43) please do

Draft - Govt Secy
to Jail
29/ 30/5/17

Govt. Secy
First Member.

44) Is it clear that Mag. fines & sentence all

1890

General and Revenue Secretariat. | File No. of 192

Serial No.

Page 3) ah

Subs. Kind attention is invited to para 14 of the note. Wherein it has been noted that subsistence allowance is granted in the subsidiary jails under Madras Presidency (corresponding to our lock(ups) on the scales referred to therein.

Pls 12/6

Please obtain the Madras Jail and lockup manuals and put up. If they are not here please telephone to Bangalore for them.

Sec 15/6

Hg/K) re see para 128 Chapter XV, calculating sentences Release.

Subs. A copy of the Madras Subsidiary Jail Containing the rules re the subsistence allowance is put up.

Pls 16/6

Ref. I Members' query at Para 14 supra.

Kind attention is invited to Rule 128 of the Madras Subsidiary Jail Manual. The Subsidiary Jails Correspond to our lock ups.

According to this rule, every prisoner released from a Sub. Jail, whose village is more than 10 miles from such jail, may be given a batta of one anna for every ten miles of journey he has to make.

Sec 16

—Contn. sheet.

WD 2295—GPB—10,000—4-5-27

24/11/27 Draft (General) Sec 24-7-27 RJ 24/7 First Member RJ 29/7

App. F. III—2]

General and Revenue Secretariat. Pr. File No. 51 of 192 5

Serial No.	
13	To The D.G. & Prisons The Comptroller No 9443-4 dt 13.7.1 Approves of the draft rules to be added to rule 151 of the Mysore Lockup manual.

B
7/8/26
13/7

23121 Pris. 51-25-10

From The Inspector-General of Prisons
in Mysore, Bangalore.

To The General Secretary to the Government of
Mysore, Bangalore.

26. NOV. 1926

Dated 25th November 1926.

No. 1795/59-26 Genl. 2

Sir,

Adverting to Government order No.G.401-12/Pris 51-25-9 dated 14-7-1926, I have the Honor to forward herewith a copy of letter No.J 3-113-26 dated 12-11-1926 from the District Magistrate, Hassan and to state that t Government order quoted above equally applies to prisone released from the Lock-ups in the state. I request therefore that orders of Government may kindly be obtained fo issuing an addenda slip to the Lock-up Manual also, in th matter as per enclosed draft slip.

I have the honor to be,
Sir,
Your most obedient servant,

Inspector-Genera l of Prisons.

Letter No.J.3-113-26 dated 12-11-1926, from the District Magistrate, Hassan, addressed to the Inspector-General of Prisons in Mysore, Bangalore.

-@-@-@-@-@-@-@-@-@-@-@-@-@-

In inviting reference to G.O.No. G.401-12/Pris 51-25-dated the 14th July 26, sanctioning the grant of subsistanc allowance to prisoners on release from the Jails in the sta I have the honor to state that the order appears to apply t prisoners released from the District and Taluk Lock-ups as well. But as from the wordings of the order a doubt arises as to whether the order in question applies only to prisone released from the Jails (Mysore Jail and the Bangalore Central Jail), I solicit instructions as to its applicability

-@-@-@-@-@-@-@-@-@-@-@@ -

"C O P Y"

H Monro

An. Inspector-General of Prisons.

25.11.26

Mysore Lock-up Manual.

Addenda Slip No. 1

Add Rule 151 (b)

Prisoners on release from the Lock-ups when they are not in possession of sufficient funds of their own shall receive travelling allowance for road journey at the rate of 2 annas for every 15 miles and for railway journey a 3rd class ticket to their homes or if the Lock-up Officer so decides to the Station at which they were convicted and they shall also be given subsistance allowance at the rate of annas four when they have to proceed to a distance of 5 miles by railway or other mode of conveyance if the journey will be completed next morning, and annas 6 per day or part of a day when the journey is longer.

Grant of travelling and subsistance allowance.

Note:) 15 miles by road shall be regarded as a full days journey.

An.

Inspector-General of Prisons.

25.11.26.

Diary No. of letter replied to.....

2 1 x x

General and Revenue Secretariat
( )
the 192

Date of issue 8.2.27

Signed by Mr. M.S

List of enclosures.....

Copied by Engr

Examined by.....

Section Police
File No. 57-26
Serial No. 11
No. G.8330

To

The I.G. of Prisons

Sir,

With reference to your letter No 1795, dt 25.11.1926 forwardi for ~~consideration and approval of~~ orders Govt an addenda slip to the Prisons Lock-up manual ~~providing~~ about the grant of travell and subsistance allowance to prisoners released from lock-ups when they are not in possession of sufficient funds of their own to ~~meet the expenses of their journe~~ done, I am directed to state that Govt see no need to give the any subsistance allowance as the

Slaves generally are not likely
to be farther off than a days journey
and they would reach their own people would reach their
home by any home who would look to their
wants as needs should then be a
If however a quite
If any rule is necessary in this If however apprised
matter, it may be to the effect that the this strict, a discr
overseer in such a case, will, if he asks rather may fort
for it when leaving, be given a days ration. Nothing unnecessary necessary.

A revised draft rule to this effect
may be submitted for the consideration
of Govt. in due course

I have etc.

For Gl. Secy to Govt

No. 346 Exec. One. Gen. 6890
58-26.

Office of the Inspector-General of Prisons
in Mysore,
Dated Bangalore, 23rd February 1927.

Pris 51-25-12

From

The Inspector-General of Prisons
in Mysore, Bangalore.

To

The General Secretary to the Government
of H.H. the Maharja of Mysore,
Bangalore.

Sir,

As desired in your letter No.G.8330/pts. 51-25-11 dated the 8th instant, I have the honour to submit herewith, for approval of Government a revised draft rule to be issued as addenda to rule 151 of the Mysore Lock-up Manual.

I have the honour to be,
Sir,
Your most obedient servant,

Inspector-General of Prisons.

avl./232

MYSORE LOCK-UP MANUAL.

(Draft rule for consideration

Page 33. Addenda Slip No. IX.

Add Rule 151. B.

" Prisoners on release from the Lock-up when the are not in possession of sufficient funds for travelling to their homes and for their subsistence during the journey, may be given a day's ration if they ask for it."

Inspector-General of Prisons

avl./23-2.

. of letter replied to.....

Section Pre

File No. 51-

Serial No. 13

nd Revenue Secretariat

( )

, the 192

ssue 13-7-27

Mr-M-S

Addenda slip No ix

Please from the Lockups
Ariprasesini Deffiaint
ig to their homes for their
e Subsistence during the
Printed ? journey may be
given a days notice of
reated as a standing order They ask for
ublished in the Gazette. it.

English Part ?

ranslated ?

laced at the disposal of the press ?

ublished in the Gazette,
Kannada Part ?

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— Correspondence ending with

No 346/58-26 dated 23rd February

from the Director Genl of

Police Mysore requesting approval

to the marginally noted draft

to be ~~issued as amended~~ added to

Rule 151 of the Mysore Lockup Manual

Order Thereon No. G 443-L